

SPECIAL CIVIL APPLICATION NO.1559 OF 1995.

Coram: R.R. Jain, J.

December 14, 1995.

Order:

Petitioner, an employee of respondent No.1- Co-operative Society, has approached this Court under Article 227 of the Constitution of India for redressal of his grievances. In my view, the petition is not maintainable and the petitioner cannot find favour of this Court on two grounds, viz.:

Firstly, the petitioner has challenged interim injunction order passed by the Co-operative Tribunal on 19.8.1994 in Revision Application No.212 of 1994. In my view, ordinarily, petition under Article 227 of the Constitution of India, challenging interim order, is not maintainable except in exceptional cases where apparently on the face of record the order is patently erroneous as having been passed without jurisdiction by the concerned authority.

Secondly, admittedly, relationship between the petitioner and respondent No.1 is that of an employee and employer. On the ground of some misconduct, service of the petitioner came to be terminated. However, by virtue of Labour Court's order, the petitioner is in service owing to reinstatement order. From the record it transpires that after reinstatement, it is the insistence of the petitioner that he should be permitted to operate bank account and be permitted to be incharge of resolution book. As a fundamental rule, an employee can never insist upon the employer to assign particular work in a particular manner and method. Nor even any Court can direct an employee to assign particular work to an employee. As regards assigning and nature of duty, the employer is the sole master and it is within his sweet-will, of course, having regard to the post to which the employee is attached. In the instant case, especially when the petitioner is an employee whose services were terminated owing to involvement in some financial irregularities (now having been reinstated by interim order of Labour Court) cannot insist upon the employer to allow him to operate bank account as well as resolution book, which is a very important piece of record. The Tribunal has rightly restrained the petitioner and respondent No.3, whose services were

terminated and later on reinstated vide Labour Court's order, from operating bank account as well as resolution book. The Labour Court's order has not been placed on record though the learned advocate for the petitioner was requested to do so. Merely because the petitioner has been reinstated, he cannot insist upon respondent No.1 to assign him particular duty and, therefore, I do not find any irregularity or impropriety in the impugned order. Therefore, the petition deserves to be rejected.

In the result, petition is rejected.

14.12.1995. (R.R. Jain, J.)